

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DAVID F. KALETA,	:	Civil Action No. 4:12-cv-01987
	:	
Plaintiff	:	(Judge Brann)
	:	
v.	:	
	:	
VINNY CLAUSI, STEPHEN	:	
BRIDY, and COUNTY OF	:	
NORTHUMBERLAND,	:	(Magistrate Judge Carlson)
	:	
Defendants.	:	

ORDER

AND NOW, this 24th day of May, 2013, it is hereby ORDERED that Magistrate Judge Martin C. Carlson’s May 6, 2013 Report & Recommendation with respect to defendants’s “motion to dismiss” (ECF No. 33) (hereinafter, the “R. & R.”) is ADOPTED and MODIFIED to reflect the following:

1. With respect to plaintiff’s claim alleging a violation of Pennsylvania’s Sunshine Act, defendants have sought summary judgment, not dismissal for failure to state a claim upon which relief can be granted. (See Defs.’ Br., Nov. 27, 2012, ECF No. 19 at 8-16) (subsection “IV.A.” entitled “Defendants are entitled to summary judgment as to Plaintiff’s claim for a violation of the Pennsylvania Sunshine Act.”).
2. Defendants’s motion for summary judgment does not comply with

Local Rule 56.1, which requires a “separate, short and concise statement of the material facts, in numbered paragraphs, as to which the moving party contends there is no genuine issue to be tried.” In turn, plaintiff has not, as required, “include[d] a separate, short and concise statement of the material facts, responding to the numbered paragraphs set forth in the [moving party’s] statement . . . , as to which it is contended that there exists a genuine issue to be tried.” L.R. 56.1.

3. The parties’s L.R. 56.1 statements (including, as required, “references to the parts of the record that support the statements”) are an important aid to the Court in deciding a motion for summary judgment.
4. Accordingly, the Court DENIES defendants’s motion for summary judgment for failure to comply with L.R. 56.1.
5. In all interactions of the parties with the Court (including, of course, the filing of future dispositive motions (see R. & R. at 19 (providing for further dispositive motions))), strict compliance with the Local Rules and the Federal Rules of Civil Procedure is expected and required.

The case is REMANDED to Magistrate Judge Carlson.

s/ Matthew W. Brann
Matthew W. Brann
United States District Judge